

## **STATEMENT OF CASE**

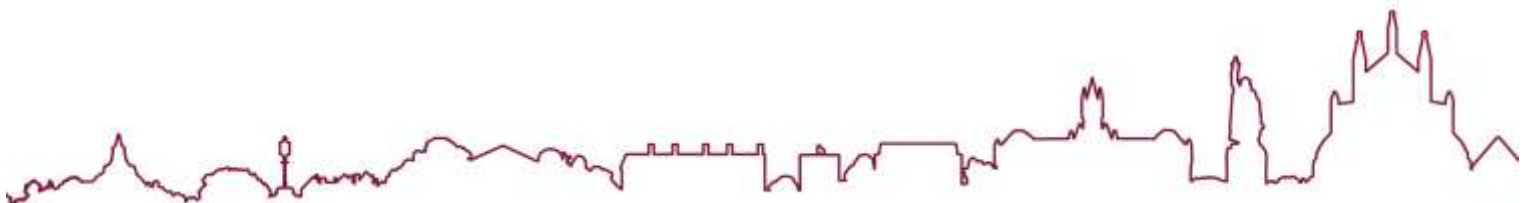
**SITE:** LAND AT SHEDFIELD EQUESTRIAN CENTRE, BOTLEY ROAD,  
SHEDFIELD, SO32 2HN

**APPEALS BY:** MR CHRISTOPHER COLLINS

**AGAINST ENFORCEMENT NOTICE 04 IT AUTOS**

**DATE:** August 2022

**APPEAL REF:** APP/L1765/C/22/3300720



## 1.0 INTRODUCTION

- 1.1 Enforcement Notice 04 was served on 06 May 2022; a copy of the notice is attached at Appendix A.
- 1.2 The Enforcement Officers report is attached at Appendix B and contains the history of the site and expediency considerations. Please note that the full site review mentioned in the Enforcement Officers report is not included with this statement as it is not considered to be relevant to this appeal. If required, this can be provided on request.
- 1.3 An appeal was lodged by the owner of the site on 08 June 2022 on Grounds (d), (f), and (g). This statement will respond to each ground separately below.
- 1.4 Separate to the above, please note that the land on which this planning unit sits is subject to formal enforcement action and all surrounding uses are unauthorised. The Appellant has requested that the Inspector visit the site to [“see the other commercial uses adjoining the land, the \[sic\] consider the current business activities and to review the extent of the works required by the enforcement notice”](#). This site is not an extension of a lawful industrial site. Enforcement action is underway on the entire site and the Council seeks to return the land to its former, agricultural use.
- 1.5 In addition, the Appellant has stated in their appeal form that they have not sent other appeals for nearby sites to the Inspectorate which have not yet been decided. This is false. The following references are ongoing enforcement appeals related to land surrounding the site:

APP/L1765/C/22/3300697  
APP/L1765/C/22/3300722

## 2.0 RESPONSE TO GROUND (D) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

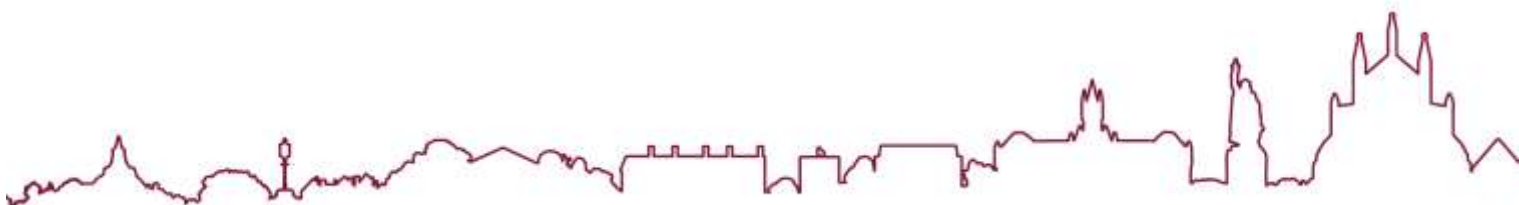
- 2.1 The Appellant has asserted the following as evidence of immunity under the 10 year rule:

[“The site was used for the repair and maintenance of plant and machinery by my civil engineering and contractors companies Swanick Construction Company Limited and Swanick Construction Group Limited since before 2012”](#).

This is the only information supplied in support of immunity and it is not considered by the Council to be adequate.

- 2.2. The attached enforcement report (Appendix B) contains the site history, aerial imagery and consideration of the facts. The facts show that the use of the land for a vehicles repairs garage is not immune under the 10 year rule.

## 3.0 RESPONSE TO GROUND (F) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome objections.



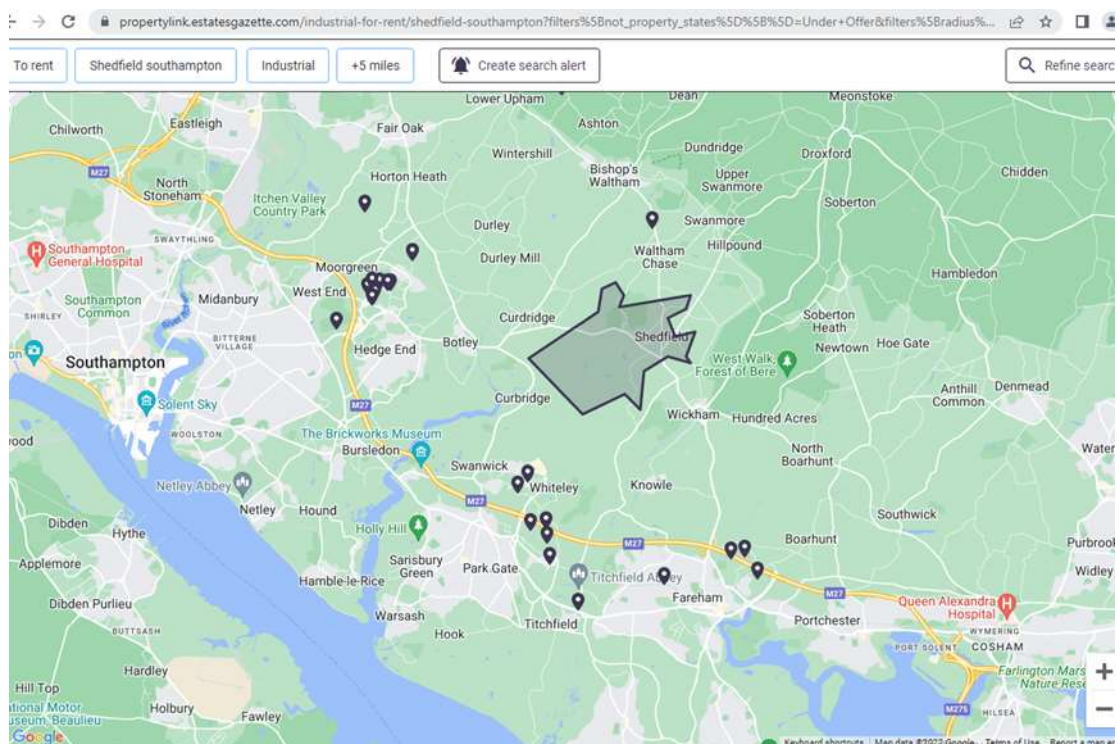
3.1 The Appellant has stated that “it is not necessary to remove any hardstanding... lay topsoil and seed with grass the Land to re-instate the Land to its former level and condition” because “the Land was used for the maintenance of machinery for over 10 years”. This assertion has not been proven on the balance of probabilities and it has been evidenced by the Council (Appendix B) that the land was open countryside prior to recent unauthorised development.

3.2 This step is essential in returning the land to its previous condition and is in line with the requirements of all other surrounding enforcement notices and enforcement action proposed.

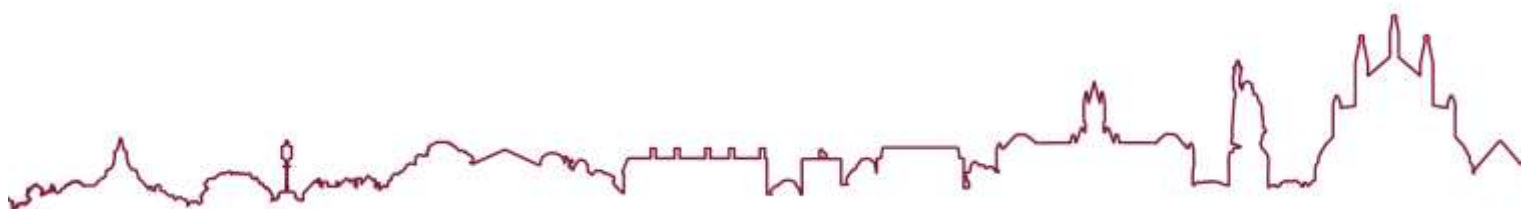
#### 4.0 RESPONSE TO GROUND (G) The time given to comply with the notice is too short.

4.1 The appellant states that the time to comply with the enforcement notices is too short. The time to comply with the notices was considered by the Council prior to service, having taken into account the circumstances of this case.

4.2 An online search using ‘Property Link’ (<https://propertylink.estategazette.com/>, 2022) has indicated that there are 26 industrial units for rent within 5 miles of Shedfield. The map below shows where these are located.



4.3 Separate to the above, the Council would like to draw attention to the likelihood of environmental and amenity impact caused by this development. Due to the lack of information provided by the Appellant, significant harm as a result of this development cannot be ruled out. A map showing locations of watercourses, protected habitats and Tree Protection Orders is attached at Appendix C.



- 4.4 This development is located alongside a large pond, in the countryside, with water systems running to the south. In addition, located just 215 metres away, is a priority habitat of wet woodland (Priority habitat description provided by DEFRA on wet woodlands is attached at Appendix D for information). Slightly closer, at approximately 185 metres from the development, is a Site of Importance for Nature Conservation (SINC) called Horse Wood (Hampshire Biodiversity Information Centre SINC leaflet attached at Appendix E for information).
- 4.5 The development sits within a woodland Tree Preservation Order (TPO) (TPO 1569 attached at Appendix F). There is evidence of protected trees in this area having already been removed/damaged and this is subject to a separate investigation by Winchester City Council.
- 4.6 There are some trees remaining that are likely to continue to be affected by this development by way of compaction and surface water run-off should it be granted planning permission. Attached is a report produced by Barrell Tree Consultancy on behalf of Winchester City Council, dated 22 October 2020 (Appendix G). This report covers the entire site of Shedfield Equestrian Centre but the relevant groups of trees for this appeal are known as G12 and G13 (trees adjacent development). This report evidences tree removals, damage already caused, and damage likely to be caused if no action is taken.
- 4.7 It is necessary to remove the development as quickly as possible to ensure the surrounding land is not further damaged. There is already evidence of damage to nearby protected trees and the development is likely to have a negative impact on the surrounding watercourses and protected habitats. A longer compliance period would likely cause further environmental harm, some of which may not be remediable.
- 4.8 Little information or evidence has been provided by the appellant as to why 6 months is not sufficient. However, if the Inspector upholds the enforcement notice and deems the time to comply as too short, they have the power to extend this timeline.

## **5.0 CONCLUSION**

- 5.1 For the reasons given above and in the attached appendices, the Inspector is respectfully requested to dismiss this appeal and uphold the enforcement notice in its entirety.

